

REMARKS

Claims 1-32 remain in the application. Independent Claims 1 and 17 are each amended to (1) delete the term “bi-stable” and (2) specify that there are --at least-- two different states, to be consistent with Claims 10 and 26, respectively. Claims 8 and 24 are amended to overcome a rejection under 35 USC 112. Claim 8 is also amended to insert --medium-- after “switchable” to be consistent with the other claims in that claim set.

The discussions with the Examiner on July 9 and July 14, 2003 are gratefully acknowledged. At that time, the undersigned and the Examiner discussed (1) the citation by the Examiner of an incorrect patent in an attempt to update the status of the related patent applications listed in the instant application and (2) the citation of an issued patent (Vincent et al), filed subsequently to the instant application and how it might be overcome by means of a Terminal Disclaimer. The remarks herein are considered to be consistent with those discussions.

The Examiner has informally amended the specification to update the status of two patent applications, Serial No. 09/823,195, filed March 29, 2001, and Serial No. 09/759,438, filed January 12, 2001.

However, while the ‘438 application has indeed issued as U.S. Patent 6,512,119, Applicants are not aware that the ‘195 application has, as yet, issued. The patent cited by the Examiner (6,309,432) has nothing to do with the ‘195 application, being entitled “Synthetic Jet Fuel and Process for Its Production” and assigned to Exxon Research and Engineering Corp., which is not the same assignee as the assignee of the applications listed in paragraph 0001, namely, Hewlett-Packard Company (presently, Hewlett Packard Development Company). Applicants respectfully request that the Examiner delete his informal amendment to the specification as to any reference to U.S. Patent 6,309,432. Applicants provide herewith the appropriate amendment to the specification (paragraph 0001).

The Examiner objects to Claims 8 and 24 because both are informal in the additional recitation of “, which provides a non-volatile component”. Both Claims 1 and 17, from which Claims 8 and 24 depend, respectively, recite “a molecular system”, and the Examiner questions whether the functional language is an additional limitation or merely a function of being bi-stable.

The phrase “non-volatile component” is merely a function of being bi-stable, and hence is deleted in both claims.

Claims 1, 8, 11-13, 17, 24, and 27-29 are rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 8, 12, 13, and 32 of U.S. Patent 6,556,470 (Vincent et al) in view of U.S. Patent 6,549,255 (Stebler et al).

Vincent et al is commonly owned with the instant application. In an effort to advance the prosecution, enclosed herewith is a Terminal Disclaimer, executed by Susan E. Heminger, agent of record, on behalf of the assignee, Hewlett-Packard, to overcome the double patenting rejection. No agreement with the Examiner's rejection should be inferred thereby.

Applicants submit that with the effective removal of the primary reference (Vincent et al) by the submission of the Terminal Disclaimer, then the rejection must fall.


Reconsideration of the rejection of Claims 1, 8, 11-13, 17, 24, and 27-29 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 8, 12, 13, and 32 of Vincent et al in view Stebler et al is respectfully requested.

Applicants gratefully acknowledge that Claims 2-7, 9, 10, 14-16, 18023, 25, 26, and 30-32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, the submission of the Terminal Disclaimer is considered to place the rejected claims in allowable condition.

The foregoing amendments and arguments are considered to place the application in condition for allowance. The Examiner is respectfully requested to take such action. If the Examiner has any questions, he is invited to contact the undersigned at the below-listed telephone number. HOWEVER, ALL WRITTEN COMMUNICATIONS SHOULD CONTINUE TO BE DIRECTED TO: IP ADMINISTRATION, LEGAL DEPARTMENT, M/S 35, HEWLETT-PACKARD COMPANY, P.O. BOX 272400, FORT COLLINS, CO 80527-2400.

Respectfully submitted,

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